

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	1

### MR. SPEAKER:

*Your Committee on* Public Policy, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the technical correction adopted under Senate Rule 33(c) on
- 2 February 27, 2007.
- 3 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 4 "SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA
- 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. (a) "Grocery store" means**
- 7 **a store or part of a store that meets the following requirements:**
- 8 **(1) The establishment is known generally as:**
- 9 **(A) a supermarket, grocery store, or delicatessen, and is**
- 10 **primarily engaged in the retail sale of a general food line,**
- 11 **which may include:**
- 12 **(i) canned and frozen foods;**
- 13 **(ii) fresh fruits and vegetables; and**
- 14 **(iii) fresh and prepared meats, fish, and poultry;**
- 15 **(B) a convenience store or food mart (except as provided**
- 16 **in subsection (b)) and is primarily engaged in:**

- 1 (i) the retail sale of a line of goods that may include milk,  
 2 bread, soda, and snacks; or  
 3 (ii) the retail sale of automotive fuels and the retail sale  
 4 of a line of goods that may include milk, bread, soda, and  
 5 snacks;  
 6 (C) a warehouse club, superstore, supercenter, or general  
 7 merchandise store and is primarily engaged in the retail  
 8 sale of a general line of groceries or gourmet foods in  
 9 combination with general lines of new merchandise, which  
 10 may include apparel, furniture, and appliances;  
 11 (D) a specialty or gourmet food store primarily engaged in  
 12 the retail sale of miscellaneous specialty foods not for  
 13 immediate consumption and not made on the premises, not  
 14 including:  
 15 (i) meat, fish, and seafood;  
 16 (ii) fruits and vegetables;  
 17 (iii) confections, nuts, and popcorn; and  
 18 (iv) baked goods.  
 19 (2) The establishment meets the minimum requirement under  
 20 IC 7.1-3-5-5` for annual gross sales of food for human  
 21 consumption that is exempt from the state gross retail tax.  
 22 (b) The term does not include an establishment known generally  
 23 as a gas station (except as provided in subsection (a)(1)(B)) that is  
 24 primarily engaged in:  
 25 (1) the retail sale of automotive fuels, which may include  
 26 diesel fuel, gasohol, or gasoline; or  
 27 (2) the retail sale of automotive fuels, which may include  
 28 diesel fuel, gasohol, or gasoline and activities that may include  
 29 providing repair service, selling automotive oils, replacement  
 30 parts, and accessories, or providing food services."  
 31 Page 2, line 3, after "Sec. 4." insert "(a)".  
 32 Page 2, between lines 8 and 9, begin a new paragraph and insert:  
 33 "(b) The commission may transfer ownership of a beer dealer's  
 34 permit under this section only to an applicant who is the proprietor  
 35 of:  
 36 (1) a drug store;  
 37 (2) a grocery store (as defined by IC 7.1-1-3-18.5); or  
 38 (3) a package liquor store."

1 Page 2, delete lines 9 through 42, begin a new paragraph and insert:

2 "SECTION 3. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2007]: **Sec. 40.5. "Sales clerk" means a**  
5 **person who:**

6 (1) rings up; or

7 (2) otherwise records;

8 **an alcoholic beverage sale in the course of the person's employment**  
9 **in a dealer establishment.**

10 SECTION 4. IC 7.1-2-4-13.5 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2007]: **Sec. 13.5. (a) This section does not**  
13 **apply to a designated member of the local board who is an**  
14 **employee or officer of the commission.**

15 (b) A local board member shall complete a training program  
16 conducted by the commission. A local board member may not be  
17 required to take a test or examination or pay a fee in order to  
18 complete the training program.

19 (c) The training program must include training on all of the  
20 following subjects:

21 (1) An overview of Indiana alcoholic beverage law and  
22 enforcement.

23 (2) Duties and responsibilities of the board concerning new  
24 permit applications, permit transfers, and renewal of existing  
25 permits.

26 (3) The open door law (IC 5-14-1.5) and the public records  
27 law (IC 5-14-3).

28 (4) Notice and hearing requirements.

29 (5) The process for appeal of an adverse decision of the board.

30 (6) Any other subject determined by the commission.

31 (d) A local board member must complete the training program  
32 not more than one hundred eighty (180) days after the member is  
33 appointed to the board. A local board member who does not  
34 complete the training program within the time allowed by this  
35 subsection shall be removed from the board under section 21 of  
36 this chapter.

37 SECTION 5. IC 7.1-2-4-22 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2007]: **Sec. 22. (a) A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment.**

**(b) A local board may give greater weight to oral comments provided by a person who:**

**(1) owns or operates a business that is located; or**

**(2) owns real property or resides;**

**not more than one thousand (1,000) feet from the location for which a permit is requested.**

SECTION 6. IC 7.1-2-4-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. The local board may appoint at least one (1) attorney to advise the local board and to assist the local board in fulfilling the local board's duties under this title.**

SECTION 7. IC 7.1-2-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: ~~Sec. 8. Forfeiture to State.~~ An officer who makes an arrest for a violation of the provisions of this title shall seize the evidence of the commission of that violation, including any vehicle, automobile, boat, air or water craft, or other conveyance in which alcohol, alcoholic beverages, or malt articles are kept, possessed, or transported contrary to law, or contrary to a rule or regulation of the commission. The articles and vehicles mentioned in this section and in ~~IC 1971, 7.1-2-5-5-7.1-2-5-7,~~ **sections 5 through 7 of this chapter** are hereby declared forfeited to the state and shall be seized.

SECTION 8. IC 7.1-3-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: ~~Sec. 5.5. (a) This section applies only in a county having a consolidated city. As used in this section, "authority" refers to the following:~~

**(1) In a consolidated city, the department of metropolitan development.**

**(2) In a municipality (as defined in IC 36-1-2-11) or a county not having a consolidated city, the plan commission that has jurisdiction in the municipality or county.**

**(3) In a municipality (as defined in IC 36-1-2-11) or county**

1 **that is not within the jurisdiction of a plan commission:**

2 **(A) the municipal department designated by the executive**  
 3 **of the municipality; or**

4 **(B) the county department designated by the executive of**  
 5 **the county.**

6 (b) As used in this section, "contiguous property owner" refers to a  
 7 property owner who has real property that is geographically adjacent  
 8 to or in contact with any point on the border of the property of a person  
 9 who seeks a permit to sell alcoholic beverages for consumption on the  
 10 licensed premises.

11 (c) As used in this section, "neighboring property owner" means:

12 (1) a contiguous property owner; or

13 (2) a property owner who has real property that:

14 (A) is geographically adjacent to or in contact with any point  
 15 on the border of the property of a contiguous property owner;  
 16 and

17 (B) some portion of which is within five hundred (500) feet of  
 18 the property of a person who seeks a permit to sell alcoholic  
 19 beverages for consumption on the licensed premises.

20 (d) As used in this section, "principal owner" means any person or  
 21 entity holding at least a fifteen percent (15%) interest in the business  
 22 for which a permit is sought to sell alcoholic beverages.

23 (e) As used in this section, "property owner" means any person  
 24 whose name and address appears in the county assessor's real property  
 25 tax assessment records as a person responsible for the payment of  
 26 property taxes on a parcel of real property.

27 (f) Except as provided in section 28(d) of this chapter, subsection  
 28 (g) applies to a location in the consolidated city only if:

29 (1) the application is for a liquor dealer's permit for a location  
 30 within the boundaries of the special fire service district, as  
 31 determined in conformity with IC 7.1-3-22-8; or

32 (2) the local alcoholic beverage board requires the applicant to  
 33 comply with subsection (g).

34 (g) In addition to the notice required by section 5 of this chapter, the  
 35 applicant for a new permit, or a transfer of a permit to sell alcoholic  
 36 beverages of any type or at any location must, at least fifteen (15) days  
 37 before the date of the local alcoholic beverage board hearing, mail  
 38 notice of the hearing at the applicant's expense to the following:

- 1 (1) Each neighboring property owner.
- 2 (2) The ~~department of metropolitan development of the~~
- 3 ~~consolidated city, authority.~~
- 4 (3) The following entities that have registered with the
- 5 ~~department of metropolitan development of the consolidated city:~~
- 6 **authority:**
  - 7 (A) The principal, headmaster, or other primary administrator
  - 8 of each public, private, or parochial elementary or secondary
  - 9 school located less than one thousand (1,000) feet from the
  - 10 property line of the applicant's property.
  - 11 (B) Each church that is located less than one thousand (1,000)
  - 12 feet from the property line of the applicant's property.
  - 13 (C) Each neighborhood association that represents the area in
  - 14 which the applicant's property is located.
- 15 (h) The notice that the applicant mails must provide the following
- 16 information:
  - 17 (1) The name and address of the applicant, or if the applicant is
  - 18 a corporation, a club, an association, or an organization, the name
  - 19 and address of the applicant's president, secretary, and principal
  - 20 owners who will be responsible to the public for the sale of
  - 21 alcoholic beverages.
  - 22 (2) A statement that the applicant has filed an application with the
  - 23 alcohol and tobacco commission for the sale of alcoholic
  - 24 beverages.
  - 25 (3) The specific address where alcoholic beverages are asked to
  - 26 be sold.
  - 27 (4) The type of alcoholic beverage permit applied for.
  - 28 (5) The date, time, and location of the public hearing before the
  - 29 local alcoholic beverage board regarding the application.
  - 30 (6) That if there is a desire to remonstrate against the application,
  - 31 the recipient of the notice may attend this public hearing.
  - 32 (i) The applicant shall furnish evidence of the applicant's
  - 33 compliance with this section by filing an affidavit with the local
  - 34 alcoholic beverage board at the public hearing on the application. The
  - 35 affidavit must list the names and addresses of the individuals or other
  - 36 entities to which notice was mailed by the applicant.
  - 37 (j) In addition to the information required by subsection (i), the
  - 38 applicant shall file with the local alcoholic beverage board at the public

1 hearing the following information:

2 (1) **This subdivision applies only to an authority referred to in**  
 3 **subsection (a)(1) or (a)(2).** Verification from the ~~department of~~  
 4 ~~metropolitan development of the consolidated city~~ authority that  
 5 the applicant is in compliance with zoning requirements for the  
 6 premises to be licensed.

7 (2) Verification from the department of state revenue that the  
 8 applicant does not have any outstanding income tax, excise tax,  
 9 or sales tax liabilities.

10 (3) Verification from the county treasurer that the applicant does  
 11 not have any outstanding property tax liability.

12 (k) Subsection (j)(1) does not apply to a permit holder that received  
 13 and held a permit before September 1, 1987.

14 (l) Notwithstanding subsection (f)(1), an applicant seeking a transfer  
 15 of a permit from a permit holder to a new permit holder when the new  
 16 permit holder does not intend to change the nature of the business  
 17 operated under the permit may apply to the local board for a waiver of  
 18 the notice requirement in subsection (g). The local board may consider  
 19 any information the local board considers relevant in making a  
 20 determination to approve or deny the waiver request. The local board  
 21 must approve or deny a waiver request at the first regularly scheduled  
 22 meeting that occurs at least fifteen (15) days after the local board  
 23 receives the waiver request from the applicant.

24 SECTION 9. IC 7.1-3-1-5.6 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.6. ~~(a) This section~~  
 26 ~~applies only in a county having a consolidated city.~~

27 ~~(b)~~ (a) This section applies only to an application for the renewal of  
 28 a permit to sell alcoholic beverages.

29 ~~(c)~~ (b) The definitions set forth in section 5.5 of this chapter apply  
 30 to this section.

31 ~~(d)~~ (c) The renewal of a permit is subject to IC 7.1-3-19-9.5.

32 ~~(e)~~ (d) Except as provided in section 28(d) of this chapter,  
 33 subsections ~~(f)~~ (e) and ~~(g)~~ (f) apply to a location in the consolidated  
 34 city only if the application is for a liquor dealer's permit.

35 ~~(f)~~ (e) Notwithstanding subsection ~~(d)~~ (c), if:

36 (1) an applicant has been cited for a violation of law or a rule of  
 37 the commission; or

38 (2) the local alcoholic beverage board has received at least five

(5) written complaints against the applicant alleging a violation of law or a rule of the commission; then upon direction of the local board, the applicant shall, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense as provided in subsection ~~(g)~~: **(f)**.

~~(g)~~ **(f)** The applicant shall mail the notice required under subsection ~~(f)~~ **(e)** to the following:

(1) Each neighboring property owner.

(2) The ~~department of metropolitan development of the consolidated city~~: **authority (as defined in section 5.5 of this chapter)**.

(3) The following entities that have registered with the ~~department of metropolitan development of the consolidated city~~: **authority (as defined in section 5.5 of this chapter)**:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

~~(h)~~ **(g)** The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.



1 (6) That if there is a desire to remonstrate against the application,  
2 the recipient of the notice may attend this public hearing.

3 ~~(i)~~ **(h)** The applicant shall furnish evidence of the applicant's  
4 compliance with this section by filing an affidavit with the local  
5 alcoholic beverage board at the public hearing on the application. The  
6 affidavit must list the names and addresses of the persons to whom  
7 notice was mailed by the applicant.

8 ~~(j)~~ **(i)** In addition to the information required by subsection ~~(i)~~, **(h)**,  
9 the applicant shall file with the local alcoholic beverage board at the  
10 public hearing the following information:

11 **(1) This subdivision applies only to an authority referred to in**  
12 **section 5.5(a)(1) or 5.5(a)(2) of this chapter.** Verification from  
13 the ~~department of metropolitan development of the consolidated~~  
14 **city authority** that the applicant is in compliance with zoning  
15 requirements for the premises to be licensed.

16 (2) Verification from the department of state revenue that the  
17 applicant does not have any outstanding income tax, excise tax,  
18 or sales tax liabilities.

19 (3) Verification from the county treasurer that the applicant does  
20 not have any outstanding property tax liability.

21 ~~(k)~~ **(j)** Subsection ~~(j)~~ **(i)(1)** does not apply to a permit holder that  
22 received and held a permit before September 1, 1987.

23 SECTION 10. IC 7.1-3-1-14, AS AMENDED BY P.L.165-2006,  
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2007]: Sec. 14. (a) It is lawful for an appropriate permittee,  
26 unless otherwise specifically provided in this title, to sell alcoholic  
27 beverages each day Monday through Saturday from 7 a.m., prevailing  
28 local time, until 3 a.m., prevailing local time, the following day. Sales  
29 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not  
30 be resumed until the following Monday at 7 a.m., prevailing local time.

31 **(b) Except as provided in subsection (f),** it is lawful for the holder  
32 of a retailer's permit to sell the appropriate alcoholic beverages for  
33 consumption on the licensed premises only on Sunday from 10 a.m.,  
34 prevailing local time, until 12:30 a.m., prevailing local time, the  
35 following day.

36 (c) It is lawful for the holder of a permit under this article to sell  
37 alcoholic beverages at athletic or sports events held on Sunday upon  
38 premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

**(f) The governor may, by issuing an executive order, waive the hours of service restrictions under subsection (b) on a one (1) time basis if the following criteria are satisfied:**

**(1) The state or a municipality, or both, are hosting a public event that has the potential to benefit the state and local economy and bring prestige to the state.**

**(2) The event would involve at least forty thousand (40,000) people concentrated in one (1) area.**

**(3) If the hours of service restrictions under subsection (b) were not waived, it would potentially present negative economic consequences for retailers.**

**(4) The state or a municipality, or both, would potentially risk losing the opportunity to host the event because of the hours of service restriction under subsection (b).**

**This section shall be narrowly construed and applies only for the period designated in the executive order.**

SECTION 11. IC 7.1-3-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) This section applies to the initial issuance, transfer of location, or transfer of ownership of the following:

(1) Any form of retailer's permit issued under this title.

(2) Any form of dealer's permit issued under this title.

(b) To qualify for approval of an application, an applicant must show proof to the commission that the applicant has provided notice concerning the application in conformity with this section.

(c) Except as provided in subsection (d), the applicant shall post a sign for the period, in the location, and in the form specified in the rules adopted by the commission to indicate to the public that the applicant is seeking the issuance of a retailer's or dealer's permit. The rules adopted by the commission must require that:

(1) the wording on the sign be in a sufficiently large type size; and

(2) the sign be posted in a sufficient manner in a window or another area;

so that the sign is visible from the largest public thoroughfare or the nearest public thoroughfare in the vicinity of the applicant's location. The commission may require an applicant to use a sign prepared by the commission. The commission may charge a fee for a sign prepared by the commission that does not exceed the cost of the sign.

(d) ~~This subsection applies to a county having a consolidated city.~~ If the application is for a permit other than a liquor dealer's permit, the applicant may:

(1) post notice of the application as set forth in subsection (c); or

(2) mail notice in accordance with:

(A) section 5.5 of this chapter if the application is for a new permit or transfer of a permit; or

(B) section 5.6 of this chapter if the application is for renewal of a permit.

SECTION 12. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a ~~liquor~~ dealer permit. ~~under IC 7.1-3-10 for a package liquor store.~~

SECTION 13. IC 7.1-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

(1) Manufacture beer.

(2) Place beer in containers or bottles.

(3) Transport beer.

- 1 (4) Sell and deliver beer to a person holding a beer wholesaler's  
 2 permit issued under IC 7.1-3-3.
- 3 (5) If the brewer's brewery manufactures not more than twenty  
 4 thousand (20,000) barrels of beer in a calendar year, do the  
 5 following:
- 6 (A) Sell and deliver beer to a person holding a retailer or a  
 7 dealer permit under this title.
- 8 (B) Be the proprietor of a restaurant.
- 9 (C) Hold a beer retailer's permit, a wine retailer's permit, or a  
 10 liquor retailer's permit for a restaurant established under clause  
 11 (B).
- 12 (D) Transfer beer directly from the brewery to the restaurant  
 13 by means of:
- 14 (i) bulk containers; or
- 15 (ii) a continuous flow system.
- 16 (E) Install a window between the brewery and an adjacent  
 17 restaurant that allows the public and the permittee to view both  
 18 premises.
- 19 (F) Install a doorway or other opening between the brewery  
 20 and an adjacent restaurant that provides the public and the  
 21 permittee with access to both premises.
- 22 (G) Sell the brewery's beer by the glass for consumption on the  
 23 premises. Brewers permitted to sell beer by the glass under  
 24 this clause must furnish the minimum food requirements  
 25 prescribed by the commission.
- 26 **(H) Sell and deliver beer to a consumer at the permit**  
 27 **premises of the brewer or at the residence of the consumer.**  
 28 **The delivery to a consumer may be made only in a quantity**  
 29 **at any one (1) time of not more than one-half (1/2) barrel,**  
 30 **but the beer may be contained in bottles or other**  
 31 **permissible containers.**
- 32 (6) If the brewer's brewery manufactures more than twenty  
 33 thousand (20,000) barrels of beer in a calendar year, own a  
 34 portion of the corporate stock of another brewery that:
- 35 (A) is located in the same county as the brewer's brewery;
- 36 (B) manufactures less than twenty thousand (20,000) barrels  
 37 of beer in a calendar year; and
- 38 (C) is the proprietor of a restaurant that operates under

- 1 subdivision (5).
- 2 ~~(7) Sell and deliver beer to a consumer at the plant of the brewer~~
- 3 ~~or at the residence of the consumer. The delivery to a consumer~~
- 4 ~~shall be made only in a quantity at any one (1) time of not more~~
- 5 ~~than one-half (1/2) barrel; but the beer may be contained in bottles~~
- 6 ~~or other permissible containers.~~
- 7 ~~(8) (7) Provide complimentary samples of beer that are:~~
- 8 (A) produced by the brewer; and
- 9 (B) offered to consumers for consumption on the brewer's
- 10 premises.
- 11 ~~(9) (8) Own a portion of the corporate stock of a sports~~
- 12 ~~corporation that:~~
- 13 (A) manages a minor league baseball stadium located in the
- 14 same county as the brewer's brewery; and
- 15 (B) holds a beer retailer's permit, a wine retailer's permit, or a
- 16 liquor retailer's permit for a restaurant located in that stadium.
- 17 ~~(10) (9) For beer described in IC 7.1-1-2-3(a)(4):~~
- 18 (A) may allow transportation to and consumption of the beer
- 19 on the licensed premises; and
- 20 (B) may not sell, offer to sell, or allow sale of the beer on the
- 21 licensed premises.

22 SECTION 14. IC 7.1-3-3-4 IS AMENDED TO READ AS

23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The premises to

24 be used as a warehouse by an applicant shall be described in the

25 application for the permit. The commission shall not issue a beer

26 wholesaler's permit to an applicant for any other warehouse or premises

27 than that described in the application. The commission shall issue only

28 one (1) beer wholesaler's permit to an applicant, but a permittee may

29 be permitted to transfer ~~his~~ **the permittee's** warehouse to another

30 location within the county **that is not required to be within the**

31 **corporate limits of an incorporated city or town**, upon application

32 to, and approval of, the commission.

33 (b) As used in this subsection, "immediate relative" means the

34 father, the mother, a brother, a sister, a son, or a daughter of a

35 wholesaler permittee. Notwithstanding subsection (a), the commission,

36 upon the death or legally adjudged mental incapacitation of a

37 wholesaler permittee, may allow the transfer of the wholesaler permit

38 only to an immediate relative of the wholesaler permittee who

1 concurrently holds a majority share in a valid wholesaler permit.

2 SECTION 15. IC 7.1-3-3-5, AS AMENDED BY P.L.224-2005,  
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2007]: Sec. 5. (a) The holder of a beer wholesaler's permit  
5 may purchase and import from the primary source of supply, possess,  
6 and sell at wholesale, beer and flavored malt beverages manufactured  
7 within or without this state.

8 (b) A beer wholesaler permittee may possess, transport, sell, and  
9 deliver beer to:

10 (1) another beer wholesaler authorized by the brewer to sell the  
11 brand purchased;

12 (2) ~~a consumer;~~ **an employee;** or

13 (3) a holder of a beer retailer's permit, beer dealer's permit,  
14 temporary beer permit, dining car permit, boat permit, airplane  
15 permit, or supplemental caterer's permit;

16 located within this state. The sale, transportation, and delivery of beer  
17 shall be made only from inventory that has been located on the  
18 wholesaler's premises before the time of invoicing and delivery.

19 (c) ~~Delivery of beer to a consumer shall be made in barrels only~~  
20 ~~with the exception of~~ The beer wholesaler's bona fide regular  
21 employees ~~who~~ may purchase beer from the wholesaler in:

22 (1) bottles, cans, or any other type of permissible containers in an  
23 amount not to exceed forty-eight (48) pints; **or**

24 (2) **one (1) keg;**

25 at any one (1) time.

26 (d) The importation, transportation, possession, sale, and delivery  
27 of beer shall be subject to the rules of the commission and subject to  
28 the same restrictions provided in this title for a person holding a  
29 brewer's permit.

30 (e) The holder of a beer wholesaler's permit may purchase, import,  
31 possess, transport, sell, and deliver any commodity listed in  
32 IC 7.1-3-10-5, unless prohibited by this title. However, a beer  
33 wholesaler may deliver flavored malt beverages only to the holder of  
34 one (1) of the following permits:

35 (1) A beer wholesaler or wine wholesaler permit, if the wholesaler  
36 is authorized by the primary source of supply to sell the brand of  
37 flavored malt beverage purchased.

38 (2) A wine retailer's permit, wine dealer's permit, temporary wine

1 permit, dining car wine permit, boat permit, airplane permit, or  
2 supplemental caterer's permit.

3 (f) A beer wholesaler may:

4 (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9  
5 and deliver the stored beer to another beer wholesaler that the  
6 out-of-state brewer authorizes to sell the beer;

7 (2) perform all necessary accounting and auditing functions  
8 associated with the services described in subdivision (1); and

9 (3) receive a fee from an out-of-state brewer for the services  
10 described in subdivisions (1) through (2).

11 SECTION 16. IC 7.1-3-5-5 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2007]: **Sec. 5. (a) As used in this section "annual gross sales of**  
14 **food" refers to annual gross sales of food for human consumption**  
15 **that are exempt from the state gross retail tax.**

16 **(b) To be eligible for a permit for a grocery store under this**  
17 **title, an establishment must have at least eighty-four thousand**  
18 **dollars (\$84,000) in annual gross sales of food. However, the figure**  
19 **set in this subsection as the minimum annual gross sales of food for**  
20 **an establishment is subject to adjustment under subsection (c).**

21 **(c) The commission shall annually adjust the minimum amount**  
22 **of annual gross sales of food initially set in subsection (b) by an**  
23 **amount that does not exceed the percent of increase in the United**  
24 **States Department of Labor Consumer Price Index during the**  
25 **calendar year preceding the calendar year in which an increase is**  
26 **established. The commission shall determine which consumer price**  
27 **index shall be applied in determining the adjustment under this**  
28 **subsection.**

29 SECTION 17. IC 7.1-3-5-6 IS ADDED TO THE INDIANA CODE  
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
31 1, 2007]: **Sec. 6. (a) As used in this section "annual gross sales of**  
32 **food" refers to annual gross sales of food for human consumption**  
33 **that are exempt from the state gross retail tax.**

34 **(b) The holder of a permit issued to a grocery store shall**  
35 **annually report to the commission the amount of the permit**  
36 **holder's establishment's annual gross sales of food. The**  
37 **information provided to the commission under this subsection**  
38 **regarding the amount of annual gross sales of food is confidential**

1 information and may not be disclosed to the public under  
2 IC 5-14-3. However, the commission may disclose the information:

- 3 (1) to the department of state revenue for the purpose of
- 4 verifying the accuracy of the annual gross sales of food
- 5 reported to the commission under this subsection; and
- 6 (2) in any administrative or judicial proceeding to revoke or
- 7 suspend the holder's permit as a result of a discrepancy
- 8 discovered by the department of state revenue under
- 9 subsection (c).

10 (c) The department of state revenue shall verify the accuracy of  
11 the reports provided to the commission under this section. The  
12 department of state revenue shall report to the commission any  
13 discrepancy that the department discovers between:

- 14 (1) the amount of annual gross sales of food that the permit
- 15 holder has reported to the department; and
- 16 (2) the amount of annual gross sales of food that the permit
- 17 holder has reported to the commission.

18 (d) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling  
19 its obligations under this section, the department of state revenue  
20 may provide to the commission confidential information. The  
21 commission shall maintain the confidentiality of information  
22 provided by the department of state revenue under this section.  
23 However, the commission may disclose the information in any  
24 administrative or judicial proceeding to revoke or suspend the  
25 holder's permit as a result of a discrepancy discovered by the  
26 department of state revenue under subsection (c).

27 ` SECTION 18. IC 7.1-3-9-11 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A liquor retailer  
29 may allow customers to sample the following:

- 30 (1) Beer.
- 31 (2) Wines.
- 32 (3) Liquors.
- 33 (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).
- 34 (5) **Flavored malt beverages.**
- 35 (6) **Hard cider.**
- 36 (b) Sampling is permitted only:
- 37 (1) on the liquor retailer's permit premises; and
- 38 (2) during the permittee's regular business hours.



1 (c) A liquor retailer may not charge for the samples provided to  
2 customers.

3 (d) Sample size of wines may not exceed one (1) ounce.

4 (e) In addition to the other provisions of this section, a liquor retailer  
5 who allows customers to sample liquors, liqueurs, or cordials shall  
6 comply with all of the following:

7 (1) A liquor retailer may allow a customer to sample only a  
8 combined total of two (2) liquor, liqueur, or cordial samples per  
9 day.

10 (2) Sample size of liqueurs or cordials may not exceed one-half  
11 (1/2) ounce.

12 (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.

13 (f) A sample size of beer, **flavored malt beverage, or hard cider**  
14 may not exceed six (6) ounces.

15 SECTION 19. IC 7.1-3-10-13 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A liquor dealer  
17 permittee who is a proprietor of a package liquor store may allow  
18 customers to sample the following:

19 (1) Beer.

20 (2) Wines.

21 (3) Liquors.

22 (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).

23 **(5) Flavored malt beverages.**

24 **(6) Hard cider.**

25 (b) Sampling is permitted:

26 (1) only on the package liquor store permit premises; and

27 (2) only during the store's regular business hours.

28 (c) No charge may be made for the samples provided to the  
29 customers.

30 (d) Sample size of wines may not exceed one (1) ounce.

31 (e) In addition to the other provisions of this section, a proprietor  
32 who allows customers to sample liquors, liqueurs, or cordials shall  
33 comply with all of the following:

34 (1) A proprietor may allow a customer to sample not more than a  
35 combined total of two (2) liquor, liqueur, or cordial samples per  
36 day.

37 (2) Sample size of liqueurs or cordials may not exceed one-half  
38 (1/2) ounce.

1 (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.

2 (f) A sample size of beer, **flavored malt beverage, or hard cider**  
3 may not exceed six (6) ounces.

4 SECTION 20. IC 7.1-3-10-14 IS ADDED TO THE INDIANA  
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2007]: **Sec. 14. (a) This section does not apply**  
7 **to a package liquor store.**

8 (b) **Beginning July 1, 2007, a holder of a liquor dealer permit**  
9 **shall display liquor for sale in a clearly separated area that**  
10 **prohibits the presence of a minor unless the minor is accompanied**  
11 **by a parent or guardian who is at least twenty-one (21) years of**  
12 **age. Other alcoholic beverages may be displayed in a designated**  
13 **area where liquor is displayed under this subsection.**

14 (c) **Alcoholic beverages may not be displayed within fifteen (15)**  
15 **feet of a public entrance of a licensed premises.**

16 (d) **The commission may adopt rules under IC 4-22-2 to**  
17 **implement this section.**

18 SECTION 21. IC 7.1-3-13-3.5 IS ADDED TO THE INDIANA  
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) A wine wholesaler may**  
21 **sell wine purchased from an estate sale only if the following**  
22 **requirements are met:**

23 (1) **The primary source of the wine sold at auction:**

24 (A) **is authorized to sell wine in Indiana on the date the**  
25 **wine is resold by the wholesaler;**

26 (B) **is given notice of the purchase by the wine wholesaler;**  
27 **and**

28 (C) **authorizes the wine wholesaler to resell the wine**  
29 **purchased.**

30 (2) **The seller of wine at auction is a bona fide estate of an**  
31 **Indiana decedent.**

32 (3) **Each wine bottle is affixed with a sticker indicating that**  
33 **the wine was purchased from an estate.**

34 (b) **The notice given to the primary source under subsection**  
35 **(a)(1) must include the following information:**

36 (1) **The name of the seller.**

37 (2) **The amount of the product purchased and the sale price at**  
38 **auction.**

1           **(3) The vintage of the wine purchased.**

2           **(c) A wholesaler is not liable for product liability for wine that**  
 3 **the wholesaler sells from an estate auction purchase.**

4           SECTION 22. IC 7.1-3-17.5-6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Notwithstanding  
 6 IC 7.1-5-5-7, the holder of an excursion and adjacent landsite permit  
 7 may, subject to the approval of the commission, provide alcoholic  
 8 beverages to guests without charge at an event on the licensed premises  
 9 if all the following requirements are met:

10           ~~(1) The event is attended by not more than six hundred fifty (650)~~  
 11 ~~guests.~~

12           ~~(2) The event is not more than six (6) hours in duration.~~

13           ~~(3)~~ **(1)** Each alcoholic beverage dispensed to a guest:

14                   (A) is entered into a cash register that records and itemizes on  
 15 the cash register tape each alcoholic beverage dispensed; and

16                   (B) is entered into a cash register as a sale and at the same  
 17 price that is charged to the general public.

18           ~~(4)~~ **(2)** At the conclusion of the event, all alcoholic beverages  
 19 recorded on the cash register tape are paid by the holder of the  
 20 excursion and adjacent landsite permit.

21           ~~(5)~~ **(3)** All records of the alcoholic beverage sales, including the  
 22 cash register tape, shall be maintained by the holder of the  
 23 excursion and adjacent landsite permit for not less than two (2)  
 24 years.

25           ~~(6)~~ **(4)** The holder of the excursion and adjacent landsite permit  
 26 complies with the rules of the commission.

27           SECTION 23. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006,  
 28 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (j),** the  
 30 commission may issue an employee's permit to a person who desires to  
 31 act as:

32                   (1) a **sales** clerk in a ~~package liquor store; dealer establishment;~~

33                   (2) an employee who serves wine at a farm winery; or

34                   (3) a bartender, waiter, waitress, or manager in a retail  
 35 establishment. ~~excepting dining car and boat employees.~~

36           (b) A permit authorized by this section is conditioned upon the  
 37 compliance by the holder with reasonable rules relating to the permit  
 38 which the commission may prescribe from time to time.

1 (c) A permit issued under this section entitles its holder to work for  
2 any lawful employer. However, a person may work without an  
3 employee's permit for thirty (30) days from the date shown on a receipt  
4 for a cashier's check or money order payable to the commission for that  
5 person's employee's permit application.

6 (d) A person who, for a package liquor store or retail establishment,  
7 is:

8 (1) the sole proprietor;

9 (2) a partner, a general partner, or a limited partner in a  
10 partnership or limited partnership that owns the business  
11 establishment;

12 (3) a member of a limited liability company that owns the  
13 business establishment; or

14 (4) a stockholder in a corporation that owns the business  
15 establishment;

16 is not required to obtain an employee's permit in order to perform any  
17 of the acts listed in subsection (a).

18 (e) An applicant may declare on the application form that the  
19 applicant will use the employee's permit only to perform volunteer  
20 service that benefits a nonprofit organization. It is unlawful for an  
21 applicant who makes a declaration under this subsection to use an  
22 employee's permit for any purpose other than to perform volunteer  
23 service that benefits a nonprofit organization.

24 (f) The commission may not issue an employee's permit to an  
25 applicant while the applicant is serving a sentence for a conviction for  
26 operating while intoxicated, including any term of probation or parole.

27 (g) The commission may not issue an employee's permit to an  
28 applicant who has two (2) unrelated convictions for operating while  
29 intoxicated if:

30 (1) the first conviction occurred less than ten (10) years before the  
31 date of the applicant's application for the permit; and

32 (2) the applicant completed the sentence for the second  
33 conviction, including any term of probation or parole, less than  
34 two (2) years before the date of the applicant's application for the  
35 permit.

36 (h) If an applicant for an employee's permit has at least three (3)  
37 unrelated convictions for operating while intoxicated in the ten (10)  
38 years immediately preceding the date of the applicant's application for

the permit, the commission may not grant the issuance of the permit.  
If, in the ten (10) years immediately preceding the date of the  
applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the  
applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated,  
and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee  
under this section if:

- (1) the employee is convicted of a Class B misdemeanor for  
violating IC 7.1-5-10-15(a); or
- (2) the employee is convicted of operating while intoxicated after  
the issuance of the permit.

The commission may revoke a permit issued to an employee under this  
section for any violation of this title or the rules adopted by the  
commission.

**(j) This section does not apply to dining car, boat, or airline  
employees.**

SECTION 24. IC 7.1-3-19-10.5 IS ADDED TO THE INDIANA  
CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: **Sec. 10.5. (a) This section applies only  
to an application for:**

- (1) a new permit for a grocery store or package liquor store;  
or**
- (2) transfer of a location of an existing permit for a grocery  
store or package liquor store.**

**(b) Upon application for a new dealer permit or transfer of a  
location of an existing dealer permit, the local board shall  
investigate the desirability of the permit in regard to the potential  
geographic location of the permit premises.**

**(c) In investigating the desirability of a dealer permit under  
subsection (b), the local board may consider the following:**

- (1) Subject to subsection (d), whether there is a need for the  
services at the requested location of the dealer permit.**
- (2) The desire of the neighborhood or the community to  
receive the services.**
- (3) The impact of the services on other business in the**

neighborhood or community.

(4) The impact of the services on the neighborhood or community.

(d) If the evidence presented to the local board establishes that, within one thousand (1,000) feet of the location requested in the application, there is located an establishment that has been issued a permit for a grocery store or package liquor store, a rebuttable presumption is created that there is not a need for the services at the requested location under subsection (b)(1).

SECTION 25. IC 7.1-3-19-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.5. (a) As used in this section, "applicant" or "application" means an applicant or an application for:**

(1) a new permit; or

(2) transfer or renewal of an existing permit.

(b) This section applies if a permit applicant or a person who remonstrates at a local board hearing against the approval of the application files with the commission:

(1) an objection to the commission's action on the application; and

(2) a request for an appeal hearing before the commission.

(c) The commission shall do the following:

(1) Provide notice to the local board, by first class mail, of the date of an appeal hearing set by the commission. Notice under this subdivision must be provided not later than ten (10) days before the date of the hearing.

(2) Publish notice in the city, town, or county where the proposed permit premises is located of the date of an appeal hearing set by the commission. Notice under this subdivision must be published not later than ten (10) days before the date of the hearing.

SECTION 26. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.**

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the

1 proprietor, as owner or lessee, or both, of a restaurant facility in the  
 2 passenger terminal complex of a publicly owned airport which is  
 3 served by a scheduled commercial passenger airline certified to  
 4 enplane and deplane passengers on a scheduled basis by a federal  
 5 aviation agency. A permit issued under this subsection shall not be  
 6 transferred to a location off the airport premises.

7 (c) The commission may issue a three-way, two-way, or one-way  
 8 permit to sell alcoholic beverages for on-premises consumption only to  
 9 an applicant who is the proprietor, as owner or lessee, or both, of a  
 10 restaurant within a redevelopment project consisting of a building or  
 11 group of buildings that:

12 (1) was formerly used as part of a union railway station;

13 (2) has been listed in or is within a district that has been listed in  
 14 the federal National Register of Historic Places maintained  
 15 pursuant to the National Historic Preservation Act of 1966, as  
 16 amended; and

17 (3) has been redeveloped or renovated, with the redevelopment or  
 18 renovation being funded in part with grants from the federal,  
 19 state, or local government.

20 A permit issued under this subsection shall not be transferred to a  
 21 location outside of the redevelopment project.

22 (d) The commission may issue a three-way, two-way, or one-way  
 23 permit to sell alcoholic beverages for on-premises consumption only to  
 24 an applicant who is the proprietor, as owner or lessee, or both, of a  
 25 restaurant:

26 (1) on land; or

27 (2) in a historic river vessel;

28 within a municipal riverfront development project funded in part with  
 29 state and **city local** money. A permit issued under this subsection may  
 30 not be transferred.

31 (e) The commission may issue a three-way, two-way, or one-way  
 32 permit to sell alcoholic beverages for on-premises consumption only to  
 33 an applicant who is the proprietor, as owner or lessee, or both, of a  
 34 restaurant within a renovation project consisting of a building that:

35 (1) was formerly used as part of a passenger and freight railway  
 36 station; and

37 (2) was built before 1900.

38 The permit authorized by this subsection may be issued without regard

1 to the proximity provisions of IC 7.1-3-21-11.

2 (f) The commission may issue a three-way permit for the sale of  
3 alcoholic beverages for on-premises consumption at a cultural center  
4 for the visual and performing arts to a town that:

5 (1) is located in a county having a population of more than four  
6 hundred thousand (400,000) but less than seven hundred thousand  
7 (700,000); and

8 (2) has a population of more than twenty thousand (20,000) but  
9 less than twenty-three thousand (23,000).

10 (g) After June 30, 2005, the commission may issue not more than  
11 ten (10) new three-way, two-way, or one-way permits to sell alcoholic  
12 beverages for on-premises consumption to applicants, each of whom  
13 must be the proprietor, as owner or lessee, or both, of a restaurant  
14 located within a district, or not more than five hundred (500) feet from  
15 a district, that meets **at least two (2) of** the following requirements:

16 (1) The district has been listed in the National Register of Historic  
17 Places maintained under the National Historic Preservation Act  
18 of 1966, as amended.

19 (2) A county courthouse is located within the district.

20 (3) A historic opera house listed on the National Register of  
21 Historic Places is located within the district.

22 (4) A historic jail and sheriff's house listed on the National  
23 Register of Historic Places is located within the district.

24 The legislative body of the municipality in which the district is located  
25 shall recommend to the commission sites that are eligible to be permit  
26 premises. The commission shall consider, but is not required to follow,  
27 the municipal legislative body's recommendation in issuing a permit  
28 under this subsection. An applicant is not eligible for a permit if, less  
29 than two (2) years before the date of the application, the applicant sold  
30 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
31 premises located within the district described in this section or within  
32 five hundred (500) feet of the district. A permit issued under this  
33 subsection shall not be transferred. The cost of an initial permit issued  
34 under this subsection is six thousand dollars (\$6,000).

35 (h) The commission may issue a three-way permit for the sale of  
36 alcoholic beverages for on-premises consumption to an applicant who  
37 will locate as the proprietor, as owner or lessee, or both, of a restaurant  
38 within an economic development area under IC 36-7-14 in:



1 (1) a town with a population of more than twenty thousand  
 2 (20,000); or  
 3 (2) a city with a population of more than twenty-seven thousand  
 4 (27,000) but less than twenty-seven thousand four hundred  
 5 (27,400);  
 6 located in a county having a population of more than ninety thousand  
 7 (90,000) but less than one hundred thousand (100,000). The  
 8 commission may issue not more than five (5) licenses under this  
 9 ~~section~~ **subsection** to premises within a municipality described in  
 10 subdivision (1) and not more than five (5) licenses to premises within  
 11 a municipality described in subdivision (2). The commission shall  
 12 conduct an auction of the permits under IC 7.1-3-22-9, except that the  
 13 auction may be conducted at any time as determined by the  
 14 commission. Notwithstanding any other law, the minimum bid for an  
 15 initial license under this subsection is thirty-five thousand dollars  
 16 (\$35,000), and the renewal fee for a license under this subsection is one  
 17 thousand three hundred fifty dollars (\$1,350). Before the district  
 18 expires, a permit issued under this subsection may not be transferred.  
 19 After the district expires, a permit issued under this subsection may be  
 20 renewed, and the ownership of the permit may be transferred, but the  
 21 permit may not be transferred from the permit premises.  
 22 (i) After June 30, 2006, the commission may issue not more than  
 23 five (5) new three-way, two-way, or one-way permits to sell alcoholic  
 24 beverages for on-premises consumption to applicants, each of whom  
 25 must be the proprietor, as owner or lessee, or both, of a restaurant  
 26 located within a district, or not more than five hundred (500) feet from  
 27 a district, that meets all of the following requirements:  
 28 (1) The district is within an economic development area, an area  
 29 needing redevelopment, or a redevelopment district as established  
 30 under IC 36-7-14.  
 31 (2) A unit of the National Park Service is partially located within  
 32 the district.  
 33 (3) An international deep water seaport is located within the  
 34 district.  
 35 An applicant is not eligible for a permit under this subsection if, less  
 36 than two (2) years before the date of the application, the applicant sold  
 37 a ~~retailers'~~ **retailer's** permit that was subject to IC 7.1-3-22 and that  
 38 was for premises located within the district described in this subsection

1 or within five hundred (500) feet of the district. A permit issued under  
2 this subsection may not be transferred. If the commission issues five (5)  
3 new permits under this subsection, and a permit issued under this  
4 subsection is later revoked or is not renewed, the commission may  
5 issue another new permit, as long as the total number of active permits  
6 issued under this subsection does not exceed five (5) at any time. The  
7 commission shall conduct an auction of the permits under  
8 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
9 determined by the commission.

10 **(j) After May 31, 2007, the commission may issue not more than**  
11 **five (5) three-way permits for the sale of alcoholic beverages for**  
12 **on-premises consumption to an applicant who will locate as the**  
13 **proprietor, as owner or lessee, or both, of a restaurant within an**  
14 **economic development area under IC 36-7-14 in a town with a**  
15 **population of more than twenty thousand (20,000) located in a**  
16 **county having a population of more than ninety thousand (90,000)**  
17 **but less than one hundred thousand (100,000). A permit issued**  
18 **under this subsection may not be issued to a tavern. For purposes**  
19 **of this subsection, "tavern" means a permit premises that meets**  
20 **the definition of restaurant under IC 7.1-3-20-9, but is used**  
21 **primarily for the serving of alcoholic beverages by the drink to the**  
22 **general public, and where food service is secondary to the primary**  
23 **use in the amount of sales and the service area where minors are**  
24 **not permitted. A permit issued under this subsection may not be**  
25 **transferred to a location outside the economic development area.**  
26 **If the commission issues five (5) new permits under this subsection**  
27 **and a permit issued under this subsection is later revoked or is not**  
28 **renewed, the commission may issue another new permit, as long as**  
29 **the total number of active permits issued under this subsection**  
30 **does not exceed five (5) at any time. The commission shall conduct**  
31 **an auction of the permits under IC 7.1-3-22-9, except that the**  
32 **auction may be conducted at any time as determined by the**  
33 **commission. Notwithstanding any other law, the minimum bid for**  
34 **an initial license under this subsection is thirty-five thousand**  
35 **dollars (\$35,000), and the renewal fee for a license under this**  
36 **subsection is one thousand three hundred fifty dollars (\$1,350). If**  
37 **after the 2010 decennial census, the town is authorized by the quota**  
38 **provisions of IC 7.1-3-22 to receive additional three-way permits,**

any three-way permits issued under this subsection shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions.

(k) After June 30, 2007, the commission may issue not more than eight (8) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within:

(1) an economic development area, an area needing redevelopment, or a redevelopment district under IC 36-7-14; and

(2) an area that:

(A) consists of a total of at least twenty-five (25) contiguous or nearly contiguous acres of property dedicated solely to a new commercial development;

(B) is within three thousand (3,000) feet from the north boundary of a town that:

(i) has a population of more than twenty-four thousand eight hundred (24,800) but less than thirty thousand (30,000); and

(ii) contains a part of a state nature preserve that is also a National Natural Landmark and is between four hundred (400) and six hundred (600) acres in area; and

(C) is adjacent to a state or federal highway that runs in a northerly and southerly direction.

The commission may issue not more than eight (8) permits to applicants who are eligible to hold a permit under this subsection; however, not more than four (4) permits may be issued within the same commercial development. A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any

1 other law, the minimum bid for an initial license under this  
 2 subsection is thirty-five thousand dollars (\$35,000). A permit issued  
 3 under this subsection may not be transferred to a location outside  
 4 the area described in this subsection. If the commission issues eight  
 5 (8) new permits under this subsection and a permit issued under  
 6 this subsection is later revoked or is not renewed, the commission  
 7 may issue another new permit, as long as the total number of active  
 8 permits issued under this subsection does not exceed eight (8) at  
 9 any time. If after the 2010 decennial census the town is authorized  
 10 by the quota provisions of IC 7.1-3-22 to receive additional  
 11 three-way permits, any three-way permits issued under this section  
 12 shall be subtracted from any additional three-way permits that the  
 13 town may be authorized to receive by the quota provisions. A  
 14 permit may not be issued if the proposed permit premises is the  
 15 location of an existing three-way permit subject to IC 7.1-3-22-3.

16 (I) After June 30, 2007, the commission may issue a total of not  
 17 more than five (5) new three-way permits to sell alcoholic  
 18 beverages for on-premises consumption only to an applicant who  
 19 is the proprietor, as owner or lessee, or both, of a restaurant  
 20 located within a redevelopment project area located within the  
 21 central area of a city with a population of more than thirty-seven  
 22 thousand seven hundred (37,700) but less than thirty-eight  
 23 thousand (38,000). A permit may be issued under this subsection to  
 24 a premises within a redevelopment project area that meets one (1)  
 25 of the following requirements:

- 26 (1) The redevelopment project area consists of an area that:
- 27 (A) is generally located in a former commercial area that
  - 28 once had located within it a building formerly used as a
  - 29 grocery store;
  - 30 (B) has been redeveloped or renovated or is in the process
  - 31 of being redeveloped or renovated to include performing
  - 32 arts areas and hotel areas;
  - 33 (C) is a city center, where a former historic railway that
  - 34 once passed through the center has been converted to a
  - 35 linear park; and
  - 36 (D) has been redeveloped or renovated or is in the process
  - 37 of being redeveloped or renovated, with the redevelopment
  - 38 or renovation being funded in part with grants or

- 1           investments by a city redevelopment commission  
2           established under IC 36-7-14.
- 3       **(2) The redevelopment project area consists of an area that:**
- 4           **(A) is generally located in an area:**
- 5               (i) that was formerly the commerce center of a once  
6               rural farming community;
- 7               (ii) that was founded, at least in part, by Quaker  
8               residents;
- 9               (iii) where a historic railway depot was built; and
- 10              (iv) where an early residence exists that was built about  
11              1848 or earlier;
- 12           **(B) has been redeveloped or renovated or is in the process**  
13           **of being redeveloped or renovated to include art galleries,**  
14           **design centers, urban structures, and outdoor public art**  
15           **consisting in part of bronze sculptures;**
- 16           **(C) is adjacent to or near a former historic railway line**  
17           **that has been converted to a linear park;**
- 18           **(D) includes one (1) of the world's smallest children's art**  
19           **galleries, an original Carnegie Library building, and the**  
20           **community's early fire station; and**
- 21           **(E) has been redeveloped or renovated, or is in the process**  
22           **of being redeveloped or renovated, with the redevelopment**  
23           **or renovation being funded in part with grants or**  
24           **investments by a city redevelopment commission**  
25           **established under IC 36-7-14.**
- 26       A permit issued under this subsection may not be issued to a  
27       tavern. For purposes of this subsection, "tavern" means a permit  
28       premises that meets the definition of restaurant under  
29       IC 7.1-3-20-9, but is used primarily for the serving of alcoholic  
30       beverages by the drink to the general public, and where food  
31       service is secondary to the primary use in the amount of sales and  
32       the service area where minors are not permitted. A permit issued  
33       under this subsection may not be transferred to a location outside  
34       the redevelopment project area. If the commission issues five (5)  
35       permits under this subsection and a permit issued under this  
36       subsection is later revoked or is not renewed, the commission may  
37       issue another new permit as long as the total number of active  
38       permits issued under this subsection does not exceed five (5) at any

time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions.

SECTION 27. IC 7.1-3-20-16.1, AS AMENDED BY P.L.1-2006, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

(1) The project boundaries must border on at least one (1) side of a river.

(2) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and city local

1 money.

2 (5) The boundaries of the municipal riverfront development  
 3 project must be designated by ordinance or resolution by the  
 4 legislative body (as defined in IC 36-1-2-9(3), ~~or~~ IC 36-1-2-9(4),  
 5 **or IC 36-1-2-9(5)**) of the ~~city~~ **municipality (as defined in**  
 6 **IC 36-1-2-11)** in which the project is located.

7 (c) Proof of compliance with subsection (b) must consist of the  
 8 following documentation, which is required at the time the permit  
 9 application is filed with the commission:

10 (1) A detailed map showing:

11 (A) definite boundaries of the entire municipal riverfront  
 12 development project; and

13 (B) the location of the proposed permit within the project.

14 (2) A copy of the local ordinance or resolution of the local  
 15 governing body authorizing the municipal riverfront development  
 16 project.

17 (3) Detailed information concerning the expenditures of state and  
 18 ~~city~~ **local** funds on the municipal riverfront development project.

19 (d) Notwithstanding subsection (b), the commission may issue a  
 20 permit for premises, the location of which does not meet the criteria of  
 21 subsection (b)(2), if all the following requirements are met:

22 (1) All other requirements of this section and section 16(d) of this  
 23 chapter are satisfied.

24 (2) The proposed premises is located not more than:

25 (A) three thousand (3,000) feet; or

26 (B) six (6) blocks;

27 from the river, whichever is greater. However, if the area adjacent  
 28 to the river is incapable of being developed because the area is in  
 29 a floodplain, or for any other reason that prevents the area from  
 30 being developed, the distances described in clauses (A) and (B)  
 31 are measured from the city blocks located nearest to the river that  
 32 are capable of being developed.

33 (3) The permit applicant satisfies the criteria established by the  
 34 commission by rule adopted under IC 4-22-2. The criteria  
 35 established by the commission may require that the proposed  
 36 premises be located in an area or district set forth in subsection  
 37 (b)(3).

38 (4) The permit premises may not be located less than two hundred

1 (200) feet from facilities owned by a state educational institution  
 2 (as defined in IC 20-12-0.5-1).

3 (e) A permit may not be issued if the proposed permit premises is  
 4 the location of an existing three-way permit subject to IC 7.1-3-22-3."

5 Page 5, delete lines 35 through 42, begin a new paragraph and  
 6 insert:

7 "SECTION 34. IC 7.1-3-22-4 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Dealers' Permits~~

9 ~~Limited.~~ (a) The commission may grant: ~~only~~

10 (1) one (1) beer dealer's permit ~~and in an incorporated city or~~  
 11 ~~town that has a population of less than fifteen thousand one~~  
 12 ~~(15,001) for each two thousand five hundred (2,500) persons,~~  
 13 ~~or fraction thereof, within the incorporated city or town;~~

14 (2) in an incorporated city or town that has a population of  
 15 more than fifteen thousand (15,000) but less than eighty  
 16 thousand (80,000):

17 (A) one (1) beer dealer's permit for each four thousand  
 18 (4,000) persons, or a fraction thereof; or

19 (B) six (6) beer dealer's permits;

20 whichever is greater, within the incorporated city or town;  
 21 and

22 (3) in an incorporated city or town that has a population of at  
 23 least eighty thousand (80,000):

24 (A) one (1) beer dealer's permit for each six thousand  
 25 (6,000) persons, or a fraction thereof; or

26 (B) twenty (20) beer dealer's permits;

27 whichever is greater, within the incorporated city or town.

28 (b) The commission may grant:

29 (1) one (1) liquor dealer's permit in an incorporated city ~~or town~~  
 30 ~~or unincorporated town that has a population of less than~~  
 31 ~~fifteen thousand one (15,001) for each one two thousand five~~  
 32 ~~hundred (1,500) (2,500) persons, or fraction thereof, within the~~  
 33 ~~incorporated city or town; or unincorporated town;~~

34 (2) in an incorporated city or town that has a population of  
 35 more than fifteen thousand (15,000) but less than eighty  
 36 thousand (80,000):

37 (A) one (1) liquor dealer's permit for each four thousand  
 38 (4,000) persons, or a fraction thereof; or



**(B) six (6) liquor dealer's permits;  
whichever is greater, within the incorporated city or town;  
and**

**(3) in an incorporated city or town that has a population of at  
least eighty thousand (80,000):**

**(A) one (1) liquor dealer's permit for each six thousand  
(6,000) persons, or a fraction thereof; or**

**(B) twenty (20) liquor dealer's permits;  
whichever is greater, within the incorporated city or town.**

**(c) The commission may grant only one (1) beer dealer's permit  
and one (1) liquor dealer's permit in an area in the county outside  
an incorporated city or town for each four thousand (4,000)  
persons, or fraction thereof, within the area in a county outside an  
incorporated city or town.**

**(d) Notwithstanding subsections (a), (b), and (c), the commission  
may renew or transfer a beer dealer's or liquor dealer's permit for  
a beer dealer or liquor dealer that:**

**(1) held a permit before July 1, 2007; and**

**(2) does not qualify for a permit under the quota restrictions  
set forth in subsection (a), (b), or (c)."**

Page 6, delete lines 1 through 25, begin a new paragraph and insert:  
"SECTION 37. IC 7.1-3-26-15, AS ADDED BY P.L.165-2006,  
SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 15. (a) Except as provided in subsections (b) and  
(c), a seller who violates this chapter commits a Class A infraction.

(b) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has one (1) prior unrelated conviction or judgment for an  
infraction under this section for an act or omission that occurred  
not more than ten (10) years before the act or omission that is the  
basis for the most recent conviction or judgment for an infraction;

commits a Class A misdemeanor.

(c) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has at least two (2) prior unrelated convictions or judgments  
for infractions under this section for acts or omissions that  
occurred not more than ten (10) years before the act or omission  
that is the basis for the most recent conviction or judgment for an

1           infraction;  
2       commits a Class D felony.

3           (d) A person who violates section 6(5) of this chapter commits a  
4       Class A infraction. The commission may consider an infraction  
5       committed under this subsection in its determination of whether to  
6       renew a seller's permit. **However, a person may not be held in**  
7       **violation of section 6(5) of this chapter for a direct sale and**  
8       **shipment to a person that occurred before January 15, 2007.**

9           SECTION 38. IC 7.1-4-8-2 IS AMENDED TO READ AS  
10       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~Use of Funds.~~ The  
11       monies deposited in the postwar construction fund shall be used for  
12       construction by the state for the use of **public safety**, penal,  
13       benevolent, charitable, and educational institutions of the state.

14          SECTION 39. IC 7.1-5-5-9, AS AMENDED BY P.L.224-2005,  
15       SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16       JULY 1, 2007]: Sec. 9. (a) It is unlawful for a ~~beer wholesaler or a~~  
17       ~~primary source of supply to:~~ **permittee to knowingly or intentionally**  
18       ~~(1) coerce, or attempt to coerce, or persuade a beer wholesaler another~~  
19       **permittee** to enter into an agreement, or to take an action, which ~~will~~  
20       **would violate or tend to violate**, a provision of this title or of the rules  
21       and regulations of the commission. ~~or~~

22          ~~(2) (b) It is unlawful for a beer wholesaler or a primary source~~  
23       **of supply to** cancel or terminate an agreement or contract between a  
24       beer wholesaler and a primary source of supply for the sale of beer,  
25       unfairly and without due regard for the equities of the other party.

26          SECTION 40. IC 7.1-5-6-3 IS AMENDED TO READ AS  
27       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is unlawful for  
28       a person to act as a ~~clerk in a package liquor store, or as a bartender,~~  
29       ~~waiter, waitress, or manager for a retailer permittee in a position that~~  
30       **is listed in IC 7.1-3-18-9(a)** unless that person has applied for and  
31       been issued ~~the appropriate~~ **an employee's** permit. ~~This section does~~  
32       ~~not apply to dining car or boat employees or to a person described in~~  
33       ~~IC 7.1-3-18-9(d).~~

34          (b) It is a defense to a charge under this section if, within thirty (30)  
35       days after being cited by the commission, the person who was cited  
36       produces evidence that the appropriate permit was issued by the  
37       commission on the date of the citation.

38          (c) It is a defense to a charge under this section for a new applicant

for a permit if, within thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

**(d) It is a defense to a charge under this section that the person:**

**(1) acted as a dining car, a boat, or an airline employee; or**

**(2) is a person described in IC 7.1-3-18-9(d).**

SECTION 41. IC 7.1-5-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~It is a Class C misdemeanor for A person to who recklessly sell, barter, exchange, provide, or furnish~~ **sells, barter, exchanges, provides, or furnishes** an alcoholic beverage to a minor **commits:**

**(1) a Class B misdemeanor if the person is at least twenty-one**

**(21) years of age; and**

**(2) a Class C misdemeanor if the person is less than twenty-one (21) years of age.**

(b) This section shall not be construed to impose civil liability upon any educational institution of higher learning, including but not limited to public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless such institution or its agent sells, barter, exchanges, provides, or furnishes an alcoholic beverage to a minor.

SECTION 42. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages.

(2) A person at least ~~eighteen (18)~~ **nineteen (19)** years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment.

(3) A person at least nineteen (19) years of age but less than twenty-one (21) years of age who:

(A) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5; and

(B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:

(i) in the course of a person's employment as a waiter, waitress, or server; and

(ii) under the supervision of a person who is at least twenty-one (21) years of age, is present at the restaurant or hotel, and has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender."

Page 7, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 43. IC 7.1-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d), it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.

(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted), from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed

premises shall remain closed to the extent that the nature of the business carried on the premises, as at a hotel or restaurant, permits.

~~(c) It is unlawful to sell alcoholic beverages on New Years Day for off-premises consumption.~~

~~(d)~~ (c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 44. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. (a) A wholesaler permittee who knowingly or intentionally sells a brand of alcoholic beverages that the wholesaler permittee has not been authorized to sell by the brand's primary source of supply commits a Class D felony.**

**(b) A permittee who is injured as a result of a violation of this section has a private right of action to bring a civil action to recover compensatory damages against the wholesaler permittee who violates this section.**

SECTION 45. IC 9-21-4-5, AS AMENDED BY P.L.229-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a)** Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

**(b)** Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

(1) Limited tourist attraction signage.

(2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

**(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment licensed under IC 7.1-3-2-7(5).**

~~(c)~~ (d) A person may not place, maintain, or display a flashing, a

rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

~~(d)~~ (e) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 46. IC 34-30-2-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. IC 7.1-3-13-3.5 (Concerning wine purchased at an estate sale and resold by a wine wholesaler).**".

Page 7, line 11, delete "permittee" and insert "**permit holder**".

Page 7, line 12, delete "permittee" and insert "**permit holder**".

Page 7, line 14, after "imposed" insert "**against the permit holder**".

Page 7, line 18, delete "one hundred fifty dollars (\$150)." and insert "**two hundred fifty dollars (\$250).**".

Page 7, line 22, delete "two hundred fifty dollars (\$250)." and insert "**five hundred dollars (\$500).**".

Page 7, line 26, delete "five hundred dollars (\$500)." and insert "**one thousand dollars (\$1,000).**".

Page 7, line 30, delete "seven hundred fifty dollars (\$750)." and insert "**two thousand dollars (\$2,000).**".

Page 7, line 31, delete "permittee" and insert "**permit holder**".

Page 7, line 35, delete "permittee" and insert "**permit holder**".

Page 7, line 38, delete "permittee" and insert "**permit holder**".

Page 8, after line 3, begin a new paragraph and insert:

"SECTION 47. IC 7.1-3-1-5.3 IS REPEALED [EFFECTIVE JULY 1, 2007].

SECTION 48. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding IC 7.1-2-4-13.5, as added by this act, a member of a local board appointed before January 1, 2008, shall complete the training required under IC 7.1-2-4-13.5, as added by this act, not later than July 1, 2008.**

(b) **The alcohol and tobacco commission shall begin providing a training program under IC 7.1-2-4-13.5, as added by this act, for members of local boards not later than January 1, 2008.**

- 1           **(c) This SECTION expires July 2, 2008.**  
2           SECTION 49. [EFFECTIVE JULY 1, 2007] **IC 7.1-5-7-8, as**  
3           **amended by this act, and IC 7.1-5-10-23, as added by this act, apply**  
4           **only to offenses committed after June 30, 2007."**  
5           Renumber all SECTIONS consecutively.  
            (Reference is to SB 339 as reprinted February 26, 2007, and as  
            corrected under Senate Rule 33(c) on February 27, 2007.)

**and when so amended that said bill do pass.**

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Representative Van Haaften